

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

ROY KEVIN RUSS-BEY,

Petitioner,

Case Number: 07-CV-12343

v.

HON. BERNARD A. FRIEDMAN

UNITED STATES, ET AL.,

Respondent.

OPINION AND ORDER OF SUMMARY DISMISSAL WITHOUT PREJUDICE

Petitioner Roy Kevin Russ-Bey is a state inmate at the Chippewa Correctional Facility in Kincheloe, Michigan. He filed a *pro se* petition for a writ of habeas corpus. Because the Court cannot discern the conviction Petitioner challenges or the grounds on which he seeks habeas corpus relief, the Court shall summarily dismiss the petition.

Rule 4, Rules Governing Section 2254 Cases, provides that a district court may enter an order for the summary dismissal of a habeas corpus petitioner “[i]f it plainly appears from the face of the petition and any exhibits annexed to it that the petitioner is not entitled to relief in the district court. . . .” A petition may be summarily dismissed where the allegations are so “vague (or) conclusory” that they do not “point to a real possibility of constitutional error.” Blackledge v. Allison, 431 U.S. 63, 76 (1977) (internal citations omitted).

In his petition, Petitioner alleges that he is “now being, impermissibly and unconstitutionally, detained, pursuant to the State of Michigan . . . under a presumption that Secured Party is a Domestic Alien Resident and party to a trust, via adhesion contracts.” Petition at p. 3. Petitioner seeks a:

[P]reliminary writ to inquire into by what authority . . . does the Respondent(s) presume to have authority . . . to, impermissibly and unconstitutionally, alter Secured Party's identity (Inalienable Human Rights) to a vitiated subhuman standard, appoint themselves Secured Party's Trustee, conduct business in commerce and exact corporate penalties and liabilities upon His natural person through an alleged trust instrument, via inter alia deceit, fraud and misrepresentation, without His knowledge or consent.

Petition at pp. 3-4.

Petitioner fails to identify the conviction pursuant to which he is allegedly unconstitutionally held in custody or the court in which his conviction was obtained. Based upon these vague statements, the Court cannot determine the grounds upon which Petitioner seeks habeas corpus relief.

The Court, therefore, **DISMISSES WITHOUT PREJUDICE** the petition for a writ of habeas corpus.

SO ORDERED.

s/Bernard A. Friedman
Bernard A. Friedman
United States District Judge

Dated: June 25, 2007

I hereby certify that a copy of the foregoing document was served upon petitioner and counsel of record on June 25, 2007, by electronic and/or ordinary mail.

s/Carol Mullins
Case Manager